AGRI-PORK,LC MJ1,MASTER,MDL,PROTO

Date Filed: 06/22/2021

Nature of Suit: 410 Anti-Trust

Jurisdiction: Federal Question

Jury Demand: Both

U.S. District Court U.S. District of Minnesota (DMN) CIVIL DOCKET FOR CASE #: 0:21-md-02998-JRT-HB

In Re: Pork Antitrust Litigation

Assigned to: Chief Judge John R. Tunheim

Referred to: Magistrate Judge Hildy Bowbeer

Member cases:

0:21-cv-01373-JRT-HB

0:21-cv-01374-JRT-HB

0:21-cv-01454-JRT-HB

0:21-cv-02046-JRT-HB

0:21-cv-01605-JRT-HB

0:21-cv-01697-JRT-HB

0:21-cv-01715-JRT-HB

<u>0:21-cv-01874-JRT-HB</u>

0:21-cv-01875-JRT-HB

0:21-cv-01872-JRT-HB

0:21-cv-01873-JRT-HB

Cause: 15:1 Antitrust Litigation

In Re

In Re: Pork Antitrust Litigation

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
06/11/2021		Remark: Receipt of record from the Southern District of Florida, case number 9:21-cv-80424; District of Minnesota case number 21-cv-01373-JRT-HB. (lmb) (Entered: 08/20/2021)
06/11/2021		Remark: Receipt of record from the Southern District of Texas, case number 4:21-cv-00773; District of Minnesota case number 21-cv-01374-JRT-HB. (lmb) (Entered: 08/20/2021)
06/22/2021	1	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER from Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. 1407 that the actions pending in districts other than the District of Minnesota are transferred to the District of Minnesota, creating MDL 2998. Case assigned to Chief Judge John R. Tunheim and referred to Magistrate Judge Hildy Bowbeer. (kt) (Entered: 06/22/2021)

06/22/2021	2	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER (CTO-1) (kt) (Entered: 06/22/2021)
06/22/2021		Remark: Receipt of record from the Northern District of Illinois, case number 1:21-cv-03002; District of Minnesota case number 21-cv-01454-JRT-HB. (lmb) (Entered: 08/20/2021)
07/01/2021	3	TEXT ONLY ORDER: This matter is before the Court on the letter from counsel in In Re Pork Antitrust Litigation, 18-cv-1776 (ECF No. 814), recommending that counsel for the parties in Cheney Bros. v. Agri Stats, et al, 21-cv-1373 (JRT/HB), Sysco Corp. v. Agri Stats, et al, 21-cv-1374 (JRT/HB), and Action Meat Distributors v. Agri Stats, et al, 21-cv-1454 (JRT/HB), all of which were recently transferred to this district by conditional transfer order in connection with the recently created MDL In Re: Pork Antitrust Litigation, 21-md-2998 (JRT/HB), be included in the case management conference that has been scheduled for July 15, 2021, at 10:00 a.m. Central time (ECF No. 796). The Court agrees, and accordingly IT IS ORDERED that counsel for the parties in the Cheney Bros., Sysco, and Action Meat cases shall attend the July 15, 2021 case management conference, which shall be conducted by Zoom. Instructions for accessing the Zoom conference will be provided to counsel in all cases a few days before the conference. IT IS FURTHER ORDERED that the parties shall file their coordination and scheduling proposals no later than 5:00 p.m. Central time on July 8, 2021. Ordered by Magistrate Judge Hildy Bowbeer on 7/1/2021.(LNP) (Entered: 07/01/2021)
07/08/2021	4	NOTICE by Cheney Brothers, Inc. re 3 Order/Notice of Setting/Resetting Hearings/Deadlines,,,, of MDL Direct Action Plaintiffs' Coordination and Scheduling Proposal (Gore, Kristin) (Entered: 07/08/2021)
07/08/2021	<u>5</u>	LETTER TO MAGISTRATE JUDGE by Agri Stats, Inc., Clemens Family Corporation, Clemens Food Group, LLC, Hormel Foods Corporation, Hormel Foods, LLC, JBS USA Food Company, Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc. Letter Regarding Defendants' Coordination and Scheduling Proposal. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Robison, Brian) (Entered: 07/08/2021)
07/09/2021	6	TEXT ONLY ORDER: In view of the case management conference in all In Re Pork related cases that will be held in the near future before Chief Judge John R. Tunheim, the case management conference that was set for July 15, 2021, at 10:00 a.m. Central time before Magistrate Judge Bowbeer, is CANCELLED, and no further submissions required by Judge Bowbeer for that conference need be filed. Ordered by Magistrate Judge Hildy Bowbeer on 7/9/2021.(LNP) (Entered: 07/09/2021)
07/12/2021	7	(Text-Only) NOTICE: Status Conference set for 7/14/2021 at 10:00 AM in Video Conference (no courtroom) before Chief Judge John R. Tunheim.

		Notice to Public: Please visit our website at https://www.mnd.uscourts.gov/court-schedules for audio connection information for this hearing. Note that hearings might not appear on the court schedule or courthouse kiosk until one week before the hearing date. (HMA) (Entered: 07/12/2021)
07/14/2021	9	Minute Entry for proceedings held before Chief Judge John R. Tunheim: Status Conference held on 7/14/2021. (Court Reporter Kristine Mousseau) (HMA) (Entered: 07/20/2021)
07/15/2021	8	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER (CTO-2) (kt) (Entered: 07/15/2021)
07/15/2021		Remark: Receipt of record from the District of Connecticut, case number 3:21-cv-00869; District of Minnesota case number 21-cv-01605-JRT-HB. (lmb) (Entered: 08/20/2021)
07/21/2021	<u>10</u>	TRANSCRIPT REQUEST for an Expedited 3-Day Transcript of 9 Status Conference to Court Reporter Kristine Mousseau. (Cotter, John) (Entered: 07/21/2021)
07/21/2021	<u>11</u>	TRANSCRIPT REQUEST for a COPY OF TRANSCRIPT 9 Status Conference to Court Reporter Kristine Mousseau. (Heeman, Donald) (Entered: 07/21/2021)
07/22/2021	<u>12</u>	TRANSCRIPT REQUEST for a COPY OF TRANSCRIPT 9 Status Conference to Court Reporter Kristine Mousseau. (Manion, Ryan) (Entered: 07/22/2021)
07/23/2021	<u>13</u>	CONDITIONAL TRANSFER ORDER (CTO-3) (kt) (Entered: 07/23/2021)
07/26/2021		Remark: Receipt of record from the District of New York, case number 3:21-cv-00798; District of Minnesota case number 21-cv-01697-JRT-HB. (lmb) (Entered: 08/20/2021)
07/27/2021	<u>14</u>	TRANSCRIPT of Motions Hearing via Video Conference held on 7/14/2021 before Chief Judge John R. Tunheim. (33 pages). Court Reporter: Kristine Mousseau. For a copy of the transcript, please file a Transcript Request under <i>Other Filings/Other Documents</i> .
		Parties have 7 days to file a Notice of Intent to Request Redaction. In accordance with Judicial Conference policy and Local Rule 80.1, the transcript may be released and made remotely electronically available to the public in 90 days. For further information on redaction procedures, please review Local Rule 5.5 and Case Information > Transcripts, Court Reporters and Digital Audio Recordings.
		Notice Intent/No Intent to Request Redactions due 8/3/2021. Redaction Request due 8/17/2021. Redacted Transcript Deadline set for 8/27/2021.

		Release of Transcript Restriction set for 10/25/2021.
		(KM) (Entered: 07/27/2021)
07/28/2021	<u>15</u>	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER (CTO-4). (lmb) (Entered: 07/28/2021)
07/28/2021	<u>16</u>	STIPULATION Regarding Proposed Protective Order by Sysco Corporation. Jointly Signed by MDL Direct Action Plaintiffs Sysco Corporation, Amory Investments LLC, Cheney Brothers, Inc., Subway Protein Litigation Corp. (as litigation trustee of the Subway Protein Litigation Trust), Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc. and Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Certco, Inc., Colorado Boxed Beef Co., The Golub Corporation, Nicholas & Co., Inc., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., Nestl Purina PetCare Company, and Nestl USA, Inc. and Defendants Agri Stats, Inc., Clemens Food Group, LLC and The Clemens Family Corporation, Hormel Foods Corporation and Hormel Foods, LLC, JBS USA Food Company, for Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, Tyson Foods, Inc., Tyson Fresh Meats, Inc., and Tyson Prepared Foods, Inc. (Mitchell, Michael) Modified text on 7/30/2021 (lmb). (Entered: 07/28/2021)
07/28/2021	<u>17</u>	PROPOSED ORDER TO JUDGE re <u>16</u> Stipulation. (Mitchell, Michael) (Entered: 07/28/2021)
07/28/2021		Remark: Receipt of record from the Northern District of Ohio, case number 1:21-cv-01324; District of Minnesota case number 21-cv-01715-JRT-HB. (lmb) (Entered: 08/20/2021)
07/30/2021	<u>18</u>	PROTECTIVE ORDER. Signed by Magistrate Judge Hildy Bowbeer on 7/30/2021.(LNP) (Entered: 07/30/2021)
08/02/2021	<u>19</u>	STIPULATION RE: PROPOSED ORDER REGARDING PRODUCTION OF ELECTRONICALLY STORED INFORMATION AND PAPER DOCUMENTS ("PROPOSED ESI PROTOCOL") by Sysco Corporation. Jointly Signed by MDL Direct Action Plaintiffs Sysco Corporation, Amory Investments LLC, Cheney Brothers, Inc., Subway Protein Litigation Corp. (as litigation trustee of the Subway Protein Litigation Trust), Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc. and Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Certco, Inc., Colorado Boxed Beef Co., The Golub Corporation, Nicholas & Co., Inc., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., Nestl Purina PetCare Company, and Nestl USA, Inc. and Defendants Agri Stats, Inc., Clemens Food Group, LLC and The Clemens Family Corporation, Hormel Foods Corporation and Hormel Foods, LLC, JBS USA Food Company, for

		Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, Tyson Foods, Inc., Tyson Fresh Meats, Inc., and Tyson Prepared Foods, Inc (Mitchell, Michael) (Entered: 08/02/2021)
08/02/2021	<u>20</u>	PROPOSED ORDER TO JUDGE re 19 Stipulation,,,,. (Mitchell, Michael) (Entered: 08/02/2021)
08/03/2021	<u>21</u>	ORDER on 19 Stipulation Regarding Production of Electronically Stored Information and Paper Documents. Signed by Magistrate Judge Hildy Bowbeer on 8/3/2021.(LNP) (Entered: 08/03/2021)
08/04/2021	<u>22</u>	NOTICE of Withdrawal as Attorney (Notice of Withdrawal of Counsel (Jon Woodruff) for Defendant Seaboard Foods LLC) (Schwingler, Peter) (Entered: 08/04/2021)
08/05/2021	23	(Text-Only) BRIEFING ORDER: The Court discussed whether In re Pork Antitrust Litigation (ECF18-cv-1776) and In re Pork Antitrust Litigation (ECF21-md-2998) should be consolidated at the July 14, 2021 Status Conference. IT IS HEREBY ORDERED that the Direct Purchaser Plaintiffs from ECF18-cv-1776, the Direct Action Plaintiffs from ECF21-md-2998, and Defendants shall file simultaneous briefs addressing the question of consolidation fourteen (14) days after entry of this Order. Briefs due by 8/19/2021. Ordered by Chief Judge John R. Tunheim on 8/5/2021. (HMA) (Entered: 08/05/2021)
08/09/2021	<u>24</u>	TRANSCRIPT REQUEST for a COPY OF 14 Transcript(s) to Court Reporter Kristine Mousseau. (Shiftan, Benjamin) (Entered: 08/09/2021)
08/13/2021	<u>25</u>	NOTICE of Appearance by William Thomson on behalf of Seaboard Foods LLC. (Thomson, William) (Entered: 08/13/2021)
08/16/2021	<u>26</u>	NOTICE of Appearance by Clifton Harrison, Craig M Harrison, Iola Harrison. (Attachments: # 1 Envelope)(kt) Document QCd on 9/23/2021 (MMG). (Entered: 08/16/2021)
08/16/2021	<u>27</u>	NOTICE of Appearance by Lisa M Harrison. (Attachments: # 1 Envelope) (kt) Document QCd on 9/23/2021 (MMG). (Entered: 08/17/2021)
08/16/2021	<u>28</u>	NOTICE of Appearance by Gloria Whitehead, Willie Whitehead. (Attachments: # 1 Envelope)(kt) Document QCd on 9/23/2021 (MMG). (Entered: 08/17/2021)
08/18/2021	<u>29</u>	FILED IN ERROR - MOTION for Admission Pro Hac Vice for Attorney Kail J. Jethmalani. Filing fee \$ 100, receipt number AMNDC-8959813 filed by Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc., (Graham, David) Modified text on 8/25/2021 (JGK). (Entered: 08/18/2021)
08/19/2021	<u>30</u>	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER (CTO-5) (kt) (Entered: 08/19/2021)
08/19/2021	<u>31</u>	BRIEF re 23 Briefing Order,, <i>Defendants' Brief Regarding Consolidation</i> . (Graham, David) (Entered: 08/19/2021)

08/19/2021	<u>32</u>	BRIEF <i>MDL Direct Action Plaintiffs Brief</i> filed by Cheney Brothers, Inc., Subway Protein Litigation Crop., as Litigation Trustee of the Subway Protein Litigation Trust.(Gore, Kristin) (Entered: 08/19/2021)
08/19/2021	<u>33</u>	BRIEF re 23 Briefing Order,, Consumer Indirect Purchaser Plaintiffs' Response Regarding Court's August 5, 2021 Briefing Order. (Scarlett, Shana) (Entered: 08/19/2021)
08/19/2021	<u>34</u>	DECLARATION of Shana E. Scarlett re 33 Brief by Consumer Indirect Purchaser Plaintiffs . (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B) (Scarlett, Shana) (Entered: 08/19/2021)
08/19/2021	<u>35</u>	BRIEF re 23 Briefing Order,, (Direct Purchaser Plaintiffs' Brief Regarding Consolidation of MDL Cases With the Pre-Existing Cases. (Shiftan, Benjamin) (Entered: 08/19/2021)
08/19/2021	<u>36</u>	BRIEF re 23 Briefing Order,, Commercial and Institutional Indirect Purchaser Plaintiffs' Response Regarding Court's August 5, 2021 Briefing Order. (Finley, Alec) (Entered: 08/19/2021)
08/19/2021		Remark: Receipt of record from the Northern District of Illinois, case number 1:21-cv-04187; District of Minnesota case number 21-cv-01874-JRT-HB. (lmb) (Entered: 08/20/2021)
08/19/2021		Remark: Receipt of record from the Eastern District of New York, case number 1:21-cv-04293; District of Minnesota case number 21-cv-01875-JRT-HB. (lmb) (Entered: 08/20/2021)
08/19/2021		Remark: Receipt of record from the Northern District of California, case number 4:21-cv-05684; District of Minnesota case number 21-cv-01872-JRT-HB. (lmb) (Entered: 08/20/2021)
08/20/2021	<u>37</u>	DECLARATION of Kristin A. Gore re <u>32</u> Brief by Cheney Brothers, Inc., Subway Protein Litigation Crop., as Litigation Trustee of the Subway Protein Litigation Trust . (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit (s) 3)(Gore, Kristin) (Entered: 08/20/2021)
08/20/2021		Remark: Receipt of record from the Northern District of Illinois, case number 1:21-cv-04085; District of Minnesota case number 21-cv-01873-JRT-HB. (lmb) (Entered: 08/20/2021)
08/20/2021	38	(Text-Only): Notice re: Non-Admitted Attorney
		We have received documents listing Kail Jethmalani as counsel of record. If he or she wishes to be listed as an attorney of record in this case, he or she must be admitted to the bar of the U.S. District Court of Minnesota in accordance with <u>Local Rule 83.5 (a)</u> , (b) and (c) or temporarily admitted pro hac vice in accordance with <u>Local Rule 83.5 (d) or (e)</u> .
		For more admissions information and forms, please see the Attorney Forms Section of the courts website at www.mnd.uscourts.gov/forms/all-forms . (lmb) (Entered: 08/20/2021)

08/23/2021	<u>39</u>	NOTICE of Withdrawal as Attorney (McCalmont, Virginia) (Entered: 08/23/2021)
09/02/2021	<u>40</u>	NOTICE of Appearance by Kail Jethmalani on behalf of Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc (Jethmalani, Kail) (Entered: 09/02/2021)
09/03/2021	41	STIPULATION <i>Concerning Waiver of Service</i> by Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc Jointly Signed by Clemens Food Group, LLC and The Clemens Family Corporation, Hormel Foods Corporation and Hormel Foods, LLC, Agri Stats, Inc., JBS USA Food Company, Seaboard Foods LLC and Seaboard Corporation, Smithfield Foods, Inc., Triumph Foods, LLC, and Giant Eagle, Inc (Graham, David) (Entered: 09/03/2021)
09/03/2021	<u>42</u>	PROPOSED ORDER TO JUDGE re <u>41</u> Stipulation,. (Graham, David) (Entered: 09/03/2021)
09/07/2021	<u>43</u>	ORDER on 41 Stipulation Concerning Waiver of Service. Signed by Magistrate Judge Hildy Bowbeer on 9/7/2021.(LNP) (Entered: 09/07/2021)
09/07/2021	44	REPORT - WINN-DIXIE PLAINTIFFS STATEMENT IN CONNECTION WITH THIS COURTS BRIEFING ORDER DKT. #23 - by Bi-Lo Holdings, LLC, Winn-Dixie Stores, Inc (Bell, Theodore) (Entered: 09/07/2021)
09/16/2021	<u>47</u>	CERTIFIED COPY OF CONDITIONAL TRANSFER ORDER (CTO-6). (lmb) (Entered: 09/20/2021)
09/16/2021		Remark: Receipt of record from the Eastern District of New York, case number 2104753; District of Minnesota case number 21-cv-02046-JRT-HB. (lmb) (Entered: 09/22/2021)
09/17/2021	45	STIPULATION <i>Concerning Waiver of Service</i> by Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc Jointly Signed by Clemens Food Group, LLC and The Clemens Family Corporation, Hormel Foods Corporation, Agri Stats, Inc., JBS USA Food Company, Seaboard Foods LLC, Triumph Foods, LLC, Amory Investments, LLC, and Smithfield Foods, Inc (Graham, David) (Entered: 09/17/2021)
09/17/2021	<u>46</u>	PROPOSED ORDER TO JUDGE re <u>45</u> Stipulation,. (Graham, David) (Entered: 09/17/2021)
09/20/2021	<u>48</u>	ORDER on 45 Stipulation Concerning Waiver of Service. Signed by Magistrate Judge Hildy Bowbeer on 9/20/2021.(LNP) (Entered: 09/20/2021)
10/07/2021	49	STIPULATION <i>Concerning Waiver of Service</i> by Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc Jointly Signed by Clemens Food Group, LLC and The Clemens Family Corporation, Hormel Foods Corporation and Hormel Foods, LLC, Agri Stats, Inc., JBS USA Food Company, Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, and Subway Protein Litigation Corp.as litigation trustee of the Subway Protein Litigation Trust. (Graham, David) (Entered: 10/07/2021)

10/07/2021	<u>50</u>	PROPOSED ORDER TO JUDGE re Adopting Stipulation Concerning Waiver of Service 49 Stipulation,. (Graham, David) (Entered: 10/07/2021)
10/08/2021	<u>51</u>	ORDER Adopting 49 Stipulation Concerning Waiver of Service. Signed by Magistrate Judge Hildy Bowbeer on 10/8/2021.(LNP) (Entered: 10/08/2021)
10/09/2021	<u>52</u>	AMENDED COMPLAINT against Agri Stats, Inc., Clemens Family Corporation, Clemens Food Group, LLC, Hormel Foods Corporation, Hormel Foods, LLC, JBS USA Food Company, Seaboard Foods LLC, Smithfield Foods, Inc., Triumph Foods, LLC, Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Prepared Foods, Inc., filed by Kraft Heinz Foods Company. No summons requested. (Bell, Theodore) (Entered: 10/09/2021)
11/14/2021	<u>53</u>	MEMORANDUM OPINION AND ORDER CONSOLIDATING ACTIONS (Written Opinion) Signed by Chief Judge John R. Tunheim on 11/12/2021. Associated Cases: 0:21-md-02998-JRT-HB et al.(HMA) (Entered: 11/14/2021)